

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JASON MONROE,)
)
Petitioner,)
)
v.) No. 4:14-CV-1461-JAR
)
HERBERT L. BERNSEN,)
)
Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court upon its own motion. Petitioner submitted a letter to the Court requesting relief from his state court criminal prosecution. In the interests of justice, the Clerk provisionally docketed the letter as a petition for writ of habeas corpus under 28 U.S.C. § 2241.

Before the Court will *sua sponte* characterize the instant filing as a § 2241 motion, petitioner will be given the opportunity to either consent to the classification or withdraw the filing. If petitioner consents to the characterization of the instant filing as a § 2241 motion, he must file an amended § 2241 motion on the Court-provided form within thirty (30) days of the date of this Order. Petitioner must also either pay the \$5 filing fee or submit a motion to proceed in forma pauperis, along with a prison account statement. See 28 U.S.C. § 1915(a).

If petitioner opposes the characterization, or if petitioner fails to respond to this Order, then the Court will dismiss the action without prejudice.

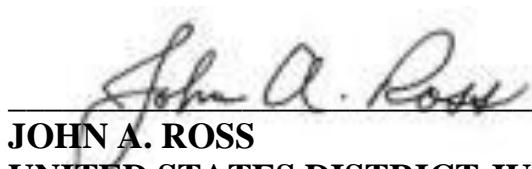
Accordingly,

IT IS HEREBY ORDERED that if petitioner consents to the characterization of the instant lawsuit as one brought pursuant to 28 U.S.C. § 2241, then he must file an amended § 2241 petition on the Court-provided form within thirty (30) days of the date of this Order. Also within thirty (30) days of the date of this Order, petitioner must pay the \$5 filing fee or submit a motion to proceed in forma pauperis, along with a prison account statement.

IT IS FURTHER ORDERED that if petitioner does not consent to the characterization of the instant filing as a § 2241 motion, or if petitioner fails to timely respond to this Order, then the Court will dismiss the action without prejudice and without characterizing the filing as a § 2241 motion.

IT IS FURTHER ORDERED that the Clerk shall mail to plaintiff a copy of the Court's form petition for filing a writ of habeas corpus under 28 U.S.C. § 2241, as well as a copy of the Court's form Motion to Proceed In Forma Pauperis - Prisoner Cases.

Dated this 26th day of August, 2014.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE